



**ZONING ADMINISTRATOR
NOTICE OF DECISION**

Date: May 20, 2014
Applicant: McMillin Communities
Case No.: DRC-13-24
Address: SPA Lots 11 and 12 (FM Lots 5 and 6) within Eastern Urban Center, south of the Eastlake Parkway and Birch Road intersection
APN 643-060-30 and 31
Project Manager: Patricia Ferman
Project Planner: Jeff Steichen

Notice is hereby given that on May 20, 2014, the Zoning Administrator considered Design Review (DRC) application DRC-13-24, filed by McMillin Communities ("Applicant"). The Applicant requests Design Review approval to construct 115 attached townhomes for sale, 253 parking spaces, recreation areas, and associated open space on SPA Lots 11 and 12 (FM Lots 5 and 6) within the Eastern Urban Center (Millenia) Neighborhood Districts 3 and 7, respectively. The Project is located south of Birch Road along Eastlake Parkway between future Stylus Street and Optima Street within the Millenia Master Planned Community ("Project Site"), and is owned by McMillin Genesis LLC ("Property Owner"). The Project Site is in the Planned Community (PC) Zone and has a General Plan designation of Eastern Urban Center (EUC).

The 7.404-acre project site is bordered on the north by the future Millenia Apartments and Stylus Park, on the east by Village 11, and on the west and south by future residential Projects (SPA Lots 10, 13, and 20). The site is vacant and has been mass-graded by the Master Developer, McMillin Land Development.

In accordance with the approved Eastern Urban Center Sectional Planning Area (EUC SPA) Plan, the future Bus Rapid Transit (BRT) dedicated transit lane is planned to run along the west side of Eastlake Parkway, adjacent to SPA Lot 11, entering the Project between SPA Lots 11 and 12 to continue heading west and south through the Millenia Master Planned Community.

The proposal includes 18 two-story and 15 three-story residential buildings with individual tuck-under garages, and 10 types of building elevations. The townhomes will be offered in two, three, and four bedroom models with 10 different floor plans ranging in size between 1,289 square feet and 1,896 square feet. The two-story townhomes are proposed to have private patios and the three-story townhomes will have porches and balconies. In addition, the three-story triplexes will include penthouse units.

The development proposes to have an internal recreation area in SPA Lot 12 (FM Lot 6) with a restroom building (approximately 400 s.f.), pool equipment building (approximately 200 s.f.), a pool with a wet deck, outdoor showers, a spa, BBQ areas, a movie projection wall, terraced steps, benches, and trellises. In addition, the project proposes to have a linear paseo in SPA Lot 11 (FM Lot 5) with shade structures, turf areas, seating areas, and a tot-lot play area.

A total of 253 residential parking spaces are proposed which include 230 garages, and 23 uncovered parking spaces. Vehicular access to the project is at the west side of the site, via two private driveways connecting the Project to the future Solstice Avenue.

In accordance with the Landscape Manual and the Water Conservation Ordinance, the proposed landscape design objective is to create an environment suitable and inviting for residents. The plant palette consists of native and low water naturalized plant material which will accent and frame the architecture while enhancing the pedestrian scale of the project. The irrigation system will be automatic and proposes to incorporate low volume spray emitters.

The project is also proposing hydromodification and water quality management in accordance with City and regional requirements through multiple bioretention swales and areas incorporated in the design.

The Development Services Director has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the proposed project was adequately covered in previously adopted Final Second Tier Environmental Impact Report, (EIR-07-01) and subsequent Addendum (IS-13-001). Thus, no further environmental review or documentation is required.

The proposed project is a permitted land use in the Otay Ranch General Development Plan (GDP) and is permitted in the Neighborhood Districts 3 and 7 of the Millenia SPA Plan. The proposal complies with the policies, guidelines and design standards for the Millenia SPA Plan.

In accordance with the EUC SPA, Chapter 5, Monitoring and Updates, the Director of Development Services shall maintain an administrative record documenting the assignment of intensity to the various EUC Districts. The Record of EUC Design Review Approvals and the Residential Intensity Monitoring Program (see Attachment 1) shall be updated with each design review approval and shall be provided to the decision making body at the time of each design review for approval.

The Zoning Administrator, under the provisions of the EUC Form Based Code Chapter 4, Submittal Requirements Section 04.04.001, has conditionally approved said request based upon the following findings of facts:

1. That the proposed Project is consistent with the development regulations of the Eastern Urban Center Sectional Planning Area (EUC SPA) Plan and Planned Community (PC) District Regulations.

The proposed multi-family use is permitted and meets all of the development regulations as stipulated in the EUC PC District Regulations (see Attachment 2).

2. The design features of the proposed Project are consistent with the design and development standards of the EUC SPA Design Plan, and the City of Chula Vista Landscape Manual.

The Project is in compliance with the Eastern Gateway District component of Village Design Plan Guidelines of the EUC. Outlined below is a discussion as to how the proposed project conforms to the following applicable guidelines:

- a) Provide special architectural features/buildings to frame the entrance to the district at the intersection of Eastlake Parkway and Optima Drive (Sections 02.05.006 and 02.05.005);
- b) Provide vertical and architectural flexibility instead of repetitious design themes and designing building to have an “urban character” even in 2-3 story formats (Section 02.06.005); and
- c) Establish a transition between public and private space and provide functional outdoor space (Section 02.06.003).

In regards to (a) above, this is being met in that the residential building located at the corner of Eastlake Parkway and the future Optima Street will provide a tall linear building element that rises above the surrounding roof line and which contains translucent icon elements at the top complementing the future Millenia entry monuments to be placed at this intersection. The icon elements will be backlit for night visibility.

In regards to (b) above, this is being met in that a wide variety of horizontal and vertical plane off-sets have been provided to break up the massing of the buildings, such as color blocking, window size variations, and a combination of recessed planes and geometric forms. The “urban character” is obtained through this variation in architectural form and plane offsets.

In regards to (c) above, this is being met in that the pedestrian component will be emphasized with a series of accessible pathways internally connecting the townhomes and the gathering spaces. This internal pedestrian system also connects the Project to the pedestrian corridors in Millenia taking the residents to public places and encouraging pedestrian circulation.

- I. The following shall be accomplished to the satisfaction of the Development Services Director, prior to issuance of building permits, unless otherwise specified:

Planning Division:

1. The Applicant/Representative and Property Owner shall execute this document by making a true copy and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

Signature of Applicant/Authorized Representative

Date

Signature of Property Owner/Representative

Date

2. Prior to pulling permits for Phase 1 of production homes, the Applicant shall provide detailed architectural elevations for the proposed pool restroom and equipment buildings for review and approval by the Director of Development Services or Designee.
3. Prior to issuance of the first building permit, the Applicant shall provide a comprehensive Sign Program for Entry Monuments and Gateway signage per exhibit III-80 of the 03.14.000 section of the EUC Form Based Code, for review and approval by the Director of Development Services, the City Engineer, and the Zoning Administrator.
4. The colors and materials specified on the building plans must be consistent with the colors and materials shown on the site plan and materials board approved by the Zoning Administrator on May 20th, 2014.
5. A graffiti resistant treatment shall be specified for all wall and building surfaces, and noted on any building and wall plans. Additionally, the project shall conform to CVMC Section 9.20.055 regarding graffiti control. The applicant shall remove all graffiti on a regular basis. The Applicant shall place a note to this effect on the building permit plans.

6. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections shall be shielded from view and the sound buffered from adjacent properties and streets as required by the Development Services Director. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Development Services Director.
7. All ground mounted utility appurtenances such as transformers, AC condensers, etc., shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming, and/or landscaping to the satisfaction of the Director of Development Services.
8. All exterior lighting shall include shielding to remove any glare from adjacent residents. Details for said lighting shall be included in the architectural plans and shall be reviewed and approved prior to the issuance of any building permit.
9. All applicable requirements and mitigation measures of the adopted Final Second Tier Environmental Impact Report, EIR-07-01 and subsequent Addendum, IS-13-001 shall be met.
10. Prior to, or in conjunction with the issuance of the first building permit, the Applicant shall pay all applicable fees, including any unpaid balances of permit processing fees for deposit account DQ-1750.
11. The Applicant shall maintain the Project in accordance with the approved plans for DRC-13-24, date stamped approved on May 20th, 2014, which includes site plans, floor plans, and architectural elevations on file in the Planning Division, the conditions contained herein, and Title 19.

Fire Department

The following Fire Department Conditions of Approval are general requirements that the Applicant shall address at the time of Building Permit submittal to the satisfaction of the Fire Marshall or designee.

12. Fire apparatus access roads shall be marked as Fire Lanes in accordance with Chula Vista Fire Department (CVFD) standards.
13. Fire apparatus access road obstruction: Automatic gates shall be provided with both an Opticom Detection System and a Knox Key Switch override. Provisions shall be taken to operate the gate upon the loss of power.
14. Illuminated Directories shall be provided at all entrances to multi-family complexes in accordance with CVFD guidelines.

15. Buildings shall be provided with Knox Box/Vault appliances at the following locations:
 - a. Provide a Knox Vault at all Fire Control Rooms.
 - b. Provide a Knox Box at common entrances to apartments that are obstructed by locking gates/doors.
 - c. Provide a Knox Box at main entrance to retail commercial building.
16. Addresses shall be provided at the building(s) in accordance with the following criteria:
 - a. 0 – 50ft from the building to the face of the curb = 6-inches in height with a 1-inch stroke.
 - b. 51 – 150ft from the building to the face of the curb = 10-inches in height with a 1 ½ -inch stroke.
 - c. 151ft from the building to the face of the curb = 16-inches in height with a 2-inch stroke.
17. Grades for any access roadway shall be restricted to the following:
 - a. Asphalt < 11%
 - b. Concrete \geq 11%
18. This Project is to be protected throughout by an approved automatic fire sprinkler system. (NFPA 13R System).
19. A Fire Control Room shall be provided for all fire sprinkler system risers in accordance with CVFD standards.
20. This Project is to be protected throughout by an approved fire alarm system (fire flow monitoring).

Land Development Division

21. Prior to approval of the final map or the issuance of the first building permit, whichever occurs first, the Developer shall sign the Preserve Land Conveyance Obligation for the Final Map No. 15942 Letter, agreeing to the current accounting of the Developer's obligation to convey open space pursuant to the Phase 2 Resource Management Plan.
22. Prior to approval of improvement plans and issuance of a construction permit for the Genesis Project, owner shall bond for street improvements along the frontage of Lots 5, 6, and "E" of Map No. 15942, per the City of Chula Vista Drawing No. 12019. The amount of the bond shall be based in the bond estimate to be approved by the City Engineer.

23. Prior to issuance of a certificate of occupancy, owner shall construct the street improvements along the frontage of Lots 5, 6, and "E" of Map No. 15942, per the City of Chula Vista Drawing No. 12019.
24. Prior to the approval of the grading plans, Applicant shall execute a Storm Water Facilities Maintenance Agreement with Grant of Access and Covenants with the City for the proposed BMPs for the site.
25. Prior to issuance of grading, construction, and building permits the Applicant shall document on applicable plans compliance with the requirements pertaining to Best Management Practices (BMPs). The Applicant shall develop and implement post construction Best Management Practices (BMPs) in accordance with the most recent regulations at the time of grading and building permit issuance. In particular, applicants are required to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) Municipal Permit Order No. R9-2007-0001, and the City of Chula Vista Development Storm Water Manual dated January 2008 and any subsequent re-issuances thereof; however, compliance with later adopted NPDES requirements is subject to the process set forth in the Development Agreement for exercise of the City's Reserved Authority." Applicant is required to incorporate in the project design structural on-site design features to address Site Design and Treatment Control Best management Practices as well as Low Impact Development requirements. Any of said requirements may be waived if the applicant demonstrates, to the satisfaction of the City Engineering, that regional facilities exist to address such requirements (TM Condition 36).
26. Prior to the approval of the final Map, the Applicant shall submit evidence acceptable to the City Engineer and the Director of Development Services of the formation of a Master Homeowner's Association (MHOA), or another financial mechanism acceptable to the Development Services Director. The MHOA shall be responsible for the maintenance of those landscaping improvements that are not to be included in the CFD (TM condition 71)
27. Prior to the approval of the final map, a Declaration or Supplementary Declaration of Covenants, Conditions, and Restrictions (CC&Rs) shall be submitted and subject to the approval of the City Engineer. The CC&Rs shall include the following obligations of the Master Homeowners Association (TM Condition 74):
 - a. A requirement that the MHOA shall maintain comprehensive general liability insurance against liability incident to ownership or use of the following areas:
 - i. All open space lots that shall remain private,
 - ii. Other Master Association property.


- b. Before any revisions to provisions of the CC&Rs that may particularly affect the City can become effective, said revisions are subject to City approval. The MHOA shall not seek approval from the City of said revisions without the prior consent of 100 percent of the holders of fast mortgages or property owners within the MHOA.
- c. The MHOA shall indemnify and hold the City harmless from any claims, demands, causes of action liability or loss related to or arising from the maintenance activities of the MHOA.
- d. The MHOA shall not seek to be released by the City from the maintenance obligations described herein without the prior consent of the City and 100 percent of the holders of fast mortgages or property owners within the MHOA.
- e. The MHOA is required to procure and maintain a policy of comprehensive general liability insurance written on a per occurrence basis in an amount not less than one million dollars combined single limit. The policy shall be acceptable to the City and name the City as additionally insured to the satisfaction of the City Attorney.
- f. The CC&Rs shall incorporate restrictions for each lot adjoining open space lots containing walls maintained by the open space district to ensure that the property owners know that the walls may not be modified or supplemented nor may they encroach on City property.
- g. The CC&Rs shall include provisions assuring maintenance of all streets, driveways, drainage and sewage systems which are private.
- h. The CC&Rs shall include provisions assuring MHOA membership in an advance notice such as the USA Dig Alert Service in perpetuity.
- i. The CC&Rs shall include provisions that provide the City has the right but not the obligation to enforce the CC&R provisions the same as any owner in the project.
- j. The CC&R provisions setting forth restrictions in these Tentative map conditions may not be revised at any time without prior written permission of the City.
- k. The MHOA shall not dedicate or convey for public streets, land used for private streets without approval of 100% of all the HOA members or holder of first mortgages within the MHOA.

1. The CC&Rs shall prohibit "speed bumps" on private streets. The CC&Rs shall also include language which states that any proposal by the HOA to allow "speed bumps" in the future shall require prior written approval of 100% of all the Homeowners Association members however other traffic calming measures may be implemented by the Homeowners Association subject to approval of the City Engineer.
28. Prior to approval of the Final Map, the Applicant shall enter into an agreement with the City whereby the Applicant agrees to establish agreements with future Homeowner Associations (HOAs) that require that an HOA shall be responsible for the maintenance and operation of all facilities within the common areas and streets behind any gated entrances. The facilities to be maintained include, but are not limited to: pavements, sidewalks, street trees, street lights including power supply, street sweeping, private drainage facilities and landscaping of private common areas (TM Condition 75).
29. Prior to approval of each Final Map, the Applicant shall enter into an agreement with the City whereby the Applicant agrees to notify future property owners during escrow, by a document to be initialed by the owners, of the maintenance responsibilities of the MHOA and their estimated annual cost. Applicant shall submit the document and obtain the approval of the City Engineer and Director of Development Services prior to distribution through escrow, which approval shall not be unreasonably withheld (TM Condition 76).
30. Pay the following fees at the time of issuance of grading or building permit, in accordance with the City Code, Council Policy, unless other timing is specified in a Development Agreement (TM Condition 84):
 - a. The Transportation and Public Facilities Development Impact Fees.
 - b. Signal Participation Fees.
 - c. All applicable sewer fees, including but not limited to sewer connection fees.
 - d. Pedestrian Bridge
 - e. Poggi Canyon or Salt Creek Sewer Basin DIF as applicable.
 - f. Fees adopted after approval of the Tentative Map in accordance with the provisions of the Subdivision Map Act.
31. Prior to approval of the final map, Developer shall ensure that prospective purchasers sign a "Notice of Special Taxes and Assessments" pursuant to Municipal Code Section 5.46.020 regarding projected taxes and assessments. Submit the disclosure form for approval by the City Engineer prior to Final Map approval (TM Condition 85).

II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

32. Approval of this request shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City ordinances in effect at the time of building permit issuance.
33. This Design Review Permit shall become void and ineffective if not utilized within three (3) years from the effective date thereof, in accordance with Section 19.14.600 of the Municipal Code.
34. The Property Owner and Applicant shall and do agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Design Review Permit and (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated on the Project Site. The Property Owner and Applicant shall acknowledge their agreement to this provision by executing a copy of this Design Review Permit where indicated above. The Property Owner's and Applicant's compliance with this provision shall be binding on any and all of the Property Owner's and Applicant's successors and assigns.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 20th day of May 2014



Mary Ladiana
Zoning Administrator

(3/5/13)

Residential Intensity Monitoring Program

Updated as of: 5/20/14

Zoning Administrator's Signature

Mary Lohman

Land Use District (from Site Utilization Plan)	Projected Residential Intensity			Actual Residential DU's (Based on Actual Design Review Approvals)	Approved Within Site Util. Plan Range (yes/no)	DU Transfers		Notes
	Low	Target	High			Transferred In	Transferred Out	
<i>Dist 1</i> - Gateway Mixed Use District	0	50	100	0	yes	0	0	
<i>2</i> - NE Neigh. Dist.	150	300	500	<i>273</i>	yes	0	0	<i>Lot 4, Millenia Apts</i>
<i>3</i> - NE Neigh. Dist.	150	400	750	<i>56</i>	yes	0	0	<i>Lot 11, Genesis</i>
<i>4</i> - Business Dist.	0	100	150	0	yes	0	0	
<i>5</i> - Mixed Use Civic/ Office Core Dist.	0	200	300	0	yes	0	0	
<i>6</i> - Main Street Dist.	100	533	800	0	yes	0	0	
<i>Dist 7</i> - E. Gateway Dist.	50	200	300	<i>59</i>	yes	0	0	<i>Lot 12, Genesis</i>
<i>8</i> - SW Neigh. Dist.	300	500	700	0	yes	0	0	
<i>9</i> - Central So. Neigh. Dist.	130	500	650	0	yes	0	0	
<i>10</i> - SE Neigh. Dist.	200	200	450	0	yes	0	0	

Record of EUC Design Review Approvals

Updated as of: 5/20/14

Last Updated by: Patricia Fermán

[illegible]

Exhibit V-4

ATTACHMENT 2

*DRC-13-24, Millenia Genesis SPA Lots 11 & 12(FM Lots 5 & 6)
Notice of Decision, May 20, 2014*

PROJECT ANALYSIS

The proposed multi-family use is permitted and meets all of the development regulations as stipulated in the EUC PC District Regulations. The following Project Data Table shows the development regulations along with the applicant's proposal to meet said requirements:

Assessor's Parcel Number:	643-060-30 and 643-060-31
Current Zoning:	Planned Community
General Plan Designation:	EUC
Lot Area:	7.404 acres
PARKING REQUIRED: <u>Residential</u> 1.85 spaces per unit x 115 units = 212.75	PARKING PROPOSED: <u>Residential</u> 230 garages 23 uncovered spaces
Total: 213 parking spaces	Total Spaces provided: 253 parking spaces
OPEN SPACE REQUIRED 200 s.f per unit x 115 = 23,000 s.f.	OPEN SPACE PROPOSED SPA Lot 11: 11,264 s.f. (8,492 s.f. public open space plus 2,772 s.f. private patios/balconies*) SPA Lot 12: 21,924 s.f. (19,070 s.f. public open space plus 2,854 s.f. private patios/balconies*)
Total Open Space required: 23,000 s.f.	Total Open Space provided: 33,188 s.f.
SETBACKS/HEIGHT REQUIRED: SPA Lot 11 Building Setback: 0-10 feet SPA Lot 12 Building Setback: 0-15+ ft. Building Height: minimum 2 stories with 3-story minimum fronting Solstice Avenue.	SETBACKS/HEIGHT PROPOSED: Setbacks provided are 10' average (with deviations necessary to accommodate sidewalks, retaining walls and open space areas consistent with SPA allowances). Residential Building Height: 2 stories, approximately 24 - 29 feet 3 stories, approximately 35 - 38.5 feet Iconic tower features approximately 45 feet

*** Note:** Private patios and balconies located along Eastlake Parkway within the 65 decibel setback line are not included in the qualifying private open space total.